

**Court of Appeals, State of Michigan**

**ORDER**

Jeffrey Zumbach v Detroit Edison Company

Kathleen Jansen  
Presiding Judge

Docket No. 303701

Pat M. Donofrio

LC No. 2009-104350-CE

Deborah A. Servitto  
Judges

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The motion to dismiss pursuant to MCR 7.211(C)(2)(a) is GRANTED and this appeal is DISMISSED for lack of jurisdiction. This Court lacks jurisdiction of the appeal of right because the February 24, 2011, order dismissing plaintiffs' complaint without prejudice in accordance with the parties' stipulation is not a final order as defined by MCR 7.202(6). MCR 7.203(A). The dismissal without prejudice and the parties' stipulation make clear that the merits of the claims were not resolved and that the claims may be resurrected on the lower court's docket at some future date. *City of Detroit v State of Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUL 14 2011

Date

Larry S. Royster  
Chief Clerk